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August 7, 2008

<http://markudall.house.gov/HoR/Co02/home>

Mr. Shelby Hallmark,
Director, Office of Workers' Compensation Programs
U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue NW
Washington, D.C. 20210

Dear Mr. Hallmark:

We have been and remain concerned about the implementation of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA), and in particular with regard to the status of claimants (and potential claimants) who were employed at the Rocky Flats site in Colorado.

So, we were dismayed to read a series of recent articles in the Rocky Mountain News of Denver, Colorado that detailed in considerable depth actions by the Department of Labor and other agencies that have created what the articles describe as a "quagmire of frustration and despair" affecting thousands of claimants.

And we were especially disappointed to read that the reporter failed to get a response from the Labor Department to a request for information in connection with the matters covered in the articles. That was the reason for our July 24th letter to Secretary Chao, requesting that the Labor Department provide such a response.

After sending that letter, we received from the reporter a copy of her e-mail of July 28th to David James, the Assistant Secretary of Labor for Public Affairs, which posed eight specific questions, as follows:

1. Why doesn't DOL recognize well-established toxic links to certain diseases on what claimants have come to call the "no pay" list or in DOL's site exposure matrices?
2. Why doesn't DOL tell claimants which toxic substances its data show they (or their claimed worker) were exposed to?
3. Why hasn't DOL done anything to accommodate sick Navajo uranium workers or others who are too ill to take the required tests to prove they're sick enough for compensation?

4. Why is DOL withholding from claimants the health physics reports it uses to deny their claims?
5. Please explain the difference between the 15,000 paid claims DOL cited in a statement to the Rocky Mountain News and the 42,000 paid claims listed on your website.
6. Please tell us how many "director's orders" to rework/reopen claims were issued for each type of cancer, for each site and for each year.
7. How many claims were paid on the claimant's first attempt at compensation (with no recommended decision to deny)? How many were paid on each of the second, third and subsequent tries?
8. Please tell us the number of times any DOL official has asked that a claimant or potential claimant be put under any type of surveillance or "undercover"/unannounced observation, and whether that observation occurred.

As we said in our letter to Secretary Chao, we think such questions deserve answers from those responsible for implementing a federal program. And, we ourselves would like to know the answers to these particular questions.

Accordingly, if the questions have been answered, we would like to be provided with a copy of the Labor Department's answer to each. And if they have not yet been answered, we would like to know when you expect that the answers will be forthcoming.

We look forward to your prompt response to this request.

Sincerely,

Mark Udall
Member of Congress

Ed Perlmutter
Member of Congress